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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/654,892

09/05/2003

Yohsuke Kobayashi

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/654,892

Applicant(s)

KOBAYASHI ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/4/06</u> | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing correction filed September 1, 2005 has been approved.

Claim Rejections - 35 USC § 112

Claims 18, 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "said sealing lip in . . . directed upwardly" on lines 1-2 renders the claim indefinite because it is unclear if the applicant is attempting to claim the combination of the belt molding and the window or if the applicant is only claiming the subcombination of the belt molding. The preamble of claim 1 implies the subcombination while the positive recitation of the window implies the combination. Recitations such as "the car outer fitting portion" on line 26 of claim 18 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 12, 13, 15 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2 362 415. GB 2 362 415 discloses a vehicle inner belt molding 22 to

Art Unit: 3634

be fitted along an interior of an elevating window 18 in a vehicle, wherein the vehicle has a door inner panel 7 and a trim board 40 being attached to the door inner panel and having a downward flange portion 39 protruding downwardly from a position that is interior of an outer end (not numbered, but shown in the figure) of the trim board and that is exterior of an upper-edge flange portion 8 (not shown in the figure) of the door inner panel, the vehicle inner belt molding comprising: a fitting portion (not numbered, but shown in the figure) to be attached to the door inner panel 7; a sealing lip 34 formed integrally with an exterior side of the fitting portion to be in elastic contact with an inner surface of the elevating window, and a core member 30 embedded in the fitting portion in the longitudinal direction thereof, the core member made of a material having an expansion resistance and a rigidity both larger than those of the fitting portion; wherein the fitting portion has an upward opening groove 28 fittable with the downward flange portion, wherein the upward opening groove has a projection 32 projecting from a wall of the upward opening groove, the projection extending longitudinally along the entire length of the vehicle inner belt molding, wherein the fitting portion includes a car outer side fitting portion (not numbered, but shown on the left in the figure) having the upward opening groove and a car inner side fitting portion (not numbered, but shown on the right in the figure) having a downward opening groove 26 for receiving the upper-edge flange portion of the door inner panel wherein the core member has a cross sectional shape substantially similar to that of at least a part of the fitting portion, and wherein said core member is approximately U-shaped in cross-section and is embedded in the car outer side fitting portion, a gripping lip 32 configured to grip the upper edge flange

Art Unit: 3634

portion, a cloth pressing piece 42, the sealing lip 34 is made of a material 38 which is capable of fusion bonding to the fitting portion and which is softer and more elastic than the fitting portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9, 14, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 362 415 as applied to claims 1, 3-5, 12, 13, 15 and 20-23 above, and further in view of Japanese Patent Publication No. 07-237448. Japanese Patent Publication No. 07-237448 discloses a inner belt molding 2 comprising a fitting portion 4 having positioning slits 5 which are engageable with positioning ribs 6 of a trim board 7.

It would have been obvious to one of ordinary skill in the art to provide GB 2 362 415 with an attachment means, as taught by Japanese Patent Publication No. 07-237448, to more fixedly secure the trim board to the belt molding.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 362 415 as applied to claims 1, 3-5, 12, 13, 15 and 20-23 above, and further in view of

Art Unit: 3634

Bowers et al. Bowers et al. discloses an inner belt molding 18 comprising a fitting portion made of a thermoplastic elastomer material (see column 4, line13).

It would have been obvious to one of ordinary skill in the art to provide GB 2 362 415 with a TPE construction, as taught by Bowers et al., ensure the proper sealing engagement between the window, inner panel, and trim board.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 362 415 as applied to claims 1, 3-5, 12, 13, 15 and 20-23 above, and further in view of Hamabata. Hamabata discloses a sealing structure 1 having a side wall 2 comprising a latching stripe 7 being configured to be received within a recess 27 on a downward flange portion 22.

It would have been obvious to one of ordinary skill in the art to provide GB 2 362 415, with a latching means, as taught by Hamabata, to better attach the trim board to the sealing structure.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 362 415 as applied to claims 1, 3-5, 12, 13, 15 and 20-23 above, and further in view of European Patent Publication No. 0 441 073. European Patent Publication No. 0 441 073 discloses a vehicle inner belt molding comprising an upwardly opening groove (not numbered, but shown in figure 5) having a bottom wall (not numbered, but shown in figure 5), the bottom wall including a holding lip 7 being elastically deformable.

It would have been obvious to one of ordinary skill in the art to provide GB 2 362 415 with a holding lip, as taught by European Patent Publication No. 0 441 073, to better attach the door inner panel to the belt molding.

Response to Arguments

Applicant's arguments filed January 16, 2007 have been fully considered but they are moot in view of the new grounds of rejection. However, it should be noted that the claims do not adequately set forth the spatial relationship of the outer side fitting portion and the inner side fitting portion to define the invention over the prior art of record. For example, claim 13 recites a car inner side fitting portion to be positioned interior of the outer fitting portion. However, because claim 13 does not specify what element(s) define the interior, one of ordinary skill in the art could interpret the inner side fitting portion (shown on the right in the figure of GB 2 362 415) as being interior of the outer fitting portion since it is positioned between the outer side fitting portion and the window 18. Additionally, one of ordinary skill in the art could interpret the core 30 of GB 2 362 415 as comprising a substantially U-shaped member in cross section with an L-shaped member attached to one of the distal ends of the arms of the U-shaped cross section.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

Art Unit: 3634

272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 20, 2007